



Inter Department Correspondence Sheet

TO: Members of Council

FROM: City Clerk

COPIES TO: _____

SUBJECT: Minutes of City Council Meeting

June 13, 2014

Attached are the minutes from the City Council meeting held June 10, 2014.

R. Breckenridge Daughtrey

NORFOLK, VIRGINIA

REGULAR SESSION OF COUNCIL

TUESDAY, JUNE 10, 2014

President Fraim called the meeting to order at 5:00 p.m. with the following members present: Ms. Green, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Ms. Williams and Mr. Winn.

He thereupon called on the Manager to review the work session agenda. That being done he called for the next order of business.

COUNCIL INTEREST

1. Councilman Protogyrou: a) asked for traffic enforcement at 4th View Street, noting that the summertime traffic will hinder emergency vehicles from getting to and from Willoughby, b) noted that drug activity has increased at Ocean View Park between the Gazebo and the bus stop by the Pretlow Library and asked for police assistance, and c) asked the City Manager to schedule time for Council to discuss extending term limits of commissioners on the Airport Authority.
2. Mayor Fraim asked the City Manager what the retreat dates are going to be.
3. With regard to the Meadowbrook Elementary School site, Councilman Winn asked the City Manager to keep the citizens of Meadowbrook and Algonquin updated on the plans.
4. Councilwoman Whibley asked if appropriate staff could review the permitting process with Mr. Ronnie Boone.
5. Councilwoman Whibley expressed disappointment that there was no opportunity for discussion on renovation versus new for the Larchmont Elementary School. She added that she had asked for an open dialog on the subject and it was to have included citizens. She asked: a) during construction where will the temporary playground be located, b) where do they plan to site the new playground - Hampton Boulevard is not an appropriate location, c) how many trees will be retained on the site, d) what do they plan for the façade facing Hampton Boulevard, and e) for a presentation on the overall site plan.

6. Vice Mayor Williams expressed concern about city vehicles traveling too fast in residential neighborhoods. She asked that appropriate staff remind these drivers that school will be out soon and they might not be able to see a child dart into the street. She also added that they should not be talking on cell phones while driving.
7. Councilman Smigiel echoed Councilman Protogyrou's concern about drug activity in Ocean View. He added that there has been an increase in overall criminal activity at the shopping center, Gazebo, bus stop and library and that it's mainly coming from homeless and mentally ill citizens. He mentioned that the Community Services Board has a program where they instruct the library employees on how to identify these folks and to provide resources for them. He added that after recent employee turnover at the library that training should be provided to new employees.
8. Councilman Smigiel noted that there are a great many accidents occurring at the interchange between Interstate 64 and 264. He stated that emergency personnel have said they get more calls for that location than anywhere else in the city. He added that we need to contact VDOT and ask them to address the situation. He asked that appropriate staff find out how many calls we respond to annually at that location.
9. Councilman Smigiel distributed a letter from Carol Senechal of the Eagle On Alliance. He asked Council to note that documents received through a FOIA revealed that the U.S. Fish & Wildlife Service actually agreed with many of the Eagle On Alliance positions about the removal of the nests.
10. With regard to the briefing on Talbot Hall West, LLC, Vice Mayor Williams asked if there are any slave graves located on the Talbot Hall property. In addition, Councilwoman Whibley asked how many trees are being removed on the site and will new trees be planted. She also stressed the importance of the Elizabeth River project and suggested working closely with the developers to ensure that they do more than the minimum necessary in terms of preserving the waterfront.
11. With regard to R-1, Councilman Smigiel suggested that Walmart partner with the city to clean up the litter in the surrounding areas. He noted that the entrance into the industrial park is littered with bags from the store.

12. With regard to R-13 through R-19, Councilman Smigiel asked the City Attorney if Council could vote on these as a block, similar to the way they vote on the GEM lots. In addition, Councilwoman Whibley asked if Council can be provided with the reverse information when a mistake is discovered and the city is owed additional tax monies.
13. With regard to R-20, Councilman Smigiel noted for the City Manager that the attachment was so large he could not open it in Drop Box.
14. With regard to Police matters:
- Councilman Protogyrou asked: a) whether or not officers should be allowed to practice with their service weapons on off hours and to look at what the other cities do in this regard, b) that officer partners ride together in one patrol car at night instead of separate vehicles, c) can the CIT money that was set aside be used ASAP for officer training on how to handle mental health cases, and d) that Council discuss the hiring of a Director of Public Safety at the retreat.
 - Councilman Riddick expressed concerns about the recent police shootings resulting in the deaths of two mentally ill citizens. He reiterated a request for officer training and stressed that he has asked for this training several times since 2009. He added that the conflicting accounts of family members and officers are another serious matter. He questioned if lethal force was necessary. He also asked for mental health training ASAP because the model our police force has been using is not working. In addition, he stated that there are deep divisions between white officers and black officers and we need to examine prejudices within the police department.
 - Vice Mayor Williams echoed concerns about the recent shootings and stated that she recalled Councilman Riddick's request for officer training on mental health issues. She added that the incidents were not handled adequately and that we need to look for alternative ways to handle similar situations.
 - Mayor Fraim echoed concerns about the recent shootings and that all of these recent tragedies related in some way to mental health issues. He agreed that mental health training for our officers is needed. He stated that the investigation is ongoing and asked that everyone reserve judgment until the process has been completed. He also added that we have a broken mental health system lacking in needed services in this commonwealth and across the entire country.

PLANNING COMMISSION WRAP-UP

George Homewood, Director of Planning reported on the following items:

▪ TALBOT HALL TRUST, LLC

- The proposal is to develop the Episcopal Diocese site with 14 single-family homes.
- It is a 7 acre site with the circa 1799 manor house to be preserved.
- The Planning Commission recommended approving the General Plan and Zoning changes.

Considerable Council discussion occurred primarily focused on preserving water access for the manor house and mature trees on the site.

▪ DSF DEVELOPMENT

- This is a proposal to build 9 new single family homes at the edge of the Glenrock neighborhood on the south side of Poplar Hall Drive between Frizzell and Brockwell Avenues.
 - It requires a rezoning.
 - The civic league has communicated its support of the proposal with additional proffers made subsequent to the May 20, 2014 Council meeting when it was continued to June 10, 2014.

CLOSED SESSION

Motion for closed session was approved for purposes which are set out in **Clause (s) 7** of subsection **(A)** of **Section 2.2-3711** of the Virginia Freedom of Information Act, as amended:

- 7) Consultation with the City Attorney regarding one legal matter concerning retention and disposition of records.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams Winn and Fraim.

No: None.

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, JUNE 10, 2014 – 7:00 P.M.

President Fraim called the meeting to order at 7p.m.

Prayer offered by Councilwoman Angelia Williams, followed by the Pledge of Allegiance.

The following members were present: Ms. Green, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Ms. Williams Mr. Winn, and Mr. Fraim.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Green, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

CEREMONIAL MATTER

President Fraim recognized the 5th Grade Drill Team from Chesterfield Academy for being chosen to perform at the NBA Washington Wizard's Game, during pre-game activities, in Washington DC. The Drill Team is also being considered to perform again for half-time activities in 2015. Principal, Dr. Sandy Witcher and Mrs. Courtney Dziagwa, Heath and Physical Education Teacher, were present to support the team.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to receive nominations for the appointment of three **School Board** members.

The following nominations were heard:

- Melendez Byrd, 1508 Norway, nominated Dr. Leon Rouson.
- Rodney Jordan, 2506 Myrtle Avenue, nominated himself.
- Lana Pressley, 2833 Villa Circle, nominated herself.
- Shelia Jones, 2501 Kennon Avenue, Kacee Little, 716 Dudley Avenue and Shekenya Knight, 2811 Ballentine Boulevard, nominated Glen Jones.
- Daniel Montague, 4605 Krick Street, nominated himself.
- Councilman Riddick nominated Cheryl Bunch.

President Fraim noted two incumbents had indicated their wish to be reappointed and thereupon placed the following names in nomination: Noelle Gabriel, M.D., Edward Haywood, Francisco Coronel, Vickie Hawkins-Black, Linda Irwin-Devitis, Rickey Ross, Joe Dillard, Karl Massenberg, Abdul Aswad and Adrien Latta.

President Fraim moved to close the public hearing.

ACTION: Nominations closed and Public Hearing closed.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **DSF Development, LLC**, for a change of zoning from Conditional C-2 (Corridor Commercial) and R-6 (Single-Family) to Conditional R-8 (Single-Family) on properties located at **453-467 Brockwell Avenue** and **446-468 Frizzell Avenue**.

Robert Feinman, the applicant, 2617 All Saint's Court, Virginia Beach, was present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance to rezone properties located at **453 to 467 Brockwell Avenue** and **446 to 464 Frizzell Avenue** from Conditional C-2 (Corridor Commercial) and R-6 (Single-Family Residential) to conditional R-8 (Single-Family Residential) District," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

CONSENT AGENDA

C-1 Letter from the City Clerk transmitting an **Abstract of Votes** cast in the City of Norfolk at the General Election on May 6, 2014, pursuant to **Section 24.2-675** of the ***Code of Virginia***.

ACTION: Received and Filed.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

REGULAR AGENDA

R-1 Letter from the City Manager an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a **Gas Station** (sales only) known as ‘**Walmart**’ on property located at **7530 Tidewater Drive**,” was introduced in writing and read by its title.

Tom Kleine, 222 Central Park Avenue, Virginia Beach, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-2 Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** to **Sam’s East Inc.**, authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as ‘**Sam’s Club**’ on property located at **741 East Little Creek Road**,” was introduced in writing and read by its title.

Tom Kleine, 222 Central Park Avenue, Virginia Beach, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-2A An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an **Automobile and Truck Repair facility** known as ‘**Sam’s Club**’ on property located at **741 East Little Creek Road**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-3 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to **Legrand Restaurant Company, LLC.**, authorizing the operation of an eating and drinking establishment known as '**Legrand**' on property located at **4515 Colley Avenue**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-4 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to **Noddle Bar, Inc.** authorizing the operation of an eating and drinking establishment known as '**Noddle Bar**' on property located at **411 Granby Street, Suite B**," was introduced in writing and read by its title.

Michael Muhammad, 801 East 26th Street spoke concerning this matter, and commented on the recent police shootings and citizens with mental illness problems.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-5 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to operate an entertainment establishment with no alcoholic beverages known as '**Arabian Nights Hookah Lounge**' on property located at **9651 1st View Street, Suite D**," was introduced in writing and read by its title.

Rick Henn, 1400 Granby Street, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-6 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception to Aston Shelton Enterprises, LLC**, authorizing the operation of an entertainment establishment named '**Cure Coffeehouse & Brasserie**' on property located at **503 Botetourt Street**," was introduced in writing and read by its title.

Gene Aston, 4225 Burnham Drive, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-7 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception to Corner Spot, Inc.**, authorizing the operation of an entertainment establishment, not yet named, on property located at **2406 Colonial Avenue, Unit A**," was introduced in writing and read by its title.

John Porter, 439 West 30th Street, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-8 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting \$27,000.00 from the **Hampton Roads Planning District Commission** and appropriating and authorizing the expenditure of \$27,000.00 for the construction of the **Lavalette Avenue Canoe/Kayak Launch and Fishing Dock**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting with appreciation the donation of \$8,360.00 to the City from the **Hampton Roads Community Foundation** and appropriating and authorizing the expenditure of the funds to support library services and programs with a preference for the purchase of additional books, reading or educational materials at the **Pretlow Anchor Branch Library**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-10

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting \$37,104.00 from the **Schools and Libraries Division of the Universal Service Fund E-Rate Grant Program** and appropriating and authorizing the expenditure of \$37,104.00 for telecommunications and technology services for the **Norfolk Public Library**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting \$7,465.27 from the **Schools and Libraries Division of the Universal Service Fund E-Rate Grant Program** and appropriating and authorizing the expenditure of \$7,465.27 for telecommunications and technology services for the **Norfolk Public Library**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-12 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a **100 Resilient Cities Initiative Grant Award** of not to exceed \$200,000.00 for each of two (2) years for total grant funding not to exceed \$400,000.00 from **Rockefeller Philanthropy Advisors, Inc.** to assist the City in building its capacity to maintain and recover critical functions despite natural and manmade shocks and stresses and appropriating and authorizing the expenditure of the grant funds for the **100 Resilient Cities Initiative Grant** purposes," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

R-13 Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the **City Treasurer** to issue a refund to **139 Riverview, LLC**, \$22,678.58 plus interest based upon the overpayment of **Real Estate Taxes for the Tax Years 2013 and 2014**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

R-14 Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the **City Treasurer** to issue a refund to **Employment Guide, LLC**, \$11,283.23 plus interest based upon the overpayment of **Business License Tax for 2014**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

R-15 Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the **City Treasurer** to issue a refund to **Jerry's Inc., Et Als**, \$3,281.17 plus interest based upon the overpayment of **Business License Tax for 2014**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-16 Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the **City Treasurer** to issue a refund to **Mid-Atlantic Maritime Academy, LLC**, \$7,050.37 plus interest based upon the overpayment of **Business License Tax for 2014**," was introduced in writing and read by its title.

Dan Montague, 4605 Krick Street, stated that he paid his taxes on time; therefore he should not be charged by the City Treasurer a percentage for paying by credit card and commented on Senior Tax Relief program.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-17 Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the **City Treasurer** to issue a refund to **Personal Touch Homecare of Va, Inc.**, \$7,747.03 plus interest based upon the overpayment of **Business License Tax for 2014**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-18 Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the **City Treasurer** to issue a refund to **Seven Hills, Inc.**, \$5,012.56 plus interest based upon the overpayment of **Business Personal Property License Taxes for 2011 and 2012**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-19 Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the **City Treasurer** to issue a refund to **Tidewater Drive Storage Center, LLC**, \$3,030.20 plus interest based upon the overpayment of **Business License Taxes for 2011 through 2013**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-20 Letter from the City Manager and an Ordinance entitled, "An Ordinance approving and adopting the **Fiscal Year 2015 Compensation Plan** for officers and employees of the City, amending and reordaining the **Norfolk City Code, 1979**, as amended, and approving criteria and procedures for pay supplements for certain Constitutional and State Officers and their employees," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 1, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-21

A Resolution entitled, "A Resolution **appointing** or **reappointing 15 persons to 5 boards and 2 commissions** for certain terms," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

NEW BUSINESS

1. Harry Embrey, P.O. Box 8893, a retiree, spoke concerning retiree pay and the salary-cap that will not allow him to be included to receive the one-time bonus pay for retirees.
2. Danny Lee Ginn, 3844 Dare Circle, commented on good government.